

Serial No. 10/627,753
Docket No. YOR920030077US1

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REMARKS

Claims 1-22, 24-26, 28-35 and 37-44 are all of the claims presently pending in the application. Claims 9-11, 33-35, 41 and 43 have been amended to more clearly define the claimed invention.

Applicants gratefully acknowledge the Examiner's indication that claims 1-22, 25-35 and 37-44 are allowed.

Claims 9-11, 33-35, 41 and 43 remain objected to for allegedly reciting improper Markush language. That is, the Examiner alleges that the Markush limitation must recite the phrase "consisting of". Applicants respectfully submit, however, that the Examiner's allegation is clearly erroneous.

That is, the M.P.E.P. clearly sets forth that "[w]hen materials recited in a claim are so related as to constitute a proper Markush group, they may be recited in the conventional manner, or alternatively". Specifically, the M.P.E.P. indicates that "if 'wherein R is a material selected from the group consisting of A, B, C, and D' is a proper limitation, then 'wherein R is A, B, C or D' shall also be considered proper" (see M.P.E.P. § 2173.05(h)).

However, merely in an effort to speed prosecution, and to place the Application in condition for immediate allowance, Applicants have amended the claims in accordance with the Examiner's suggestion. Therefore, the Examiner is respectfully requested to reconsider and withdraw this objection.

In view of the foregoing, Applicants submit that claims 1-22, 24-26, 28-35 and 37-44, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: June 22, 2006

Respectfully Submitted,


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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2823, at (571) 273-8300, on June 22, 2006.

Date: June 22, 2006

Respectfully Submitted,


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